

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02622-ABJ

WP COMPANY LLC v. SPECIAL INSPECTOR GENERAL
 FOR AFGHANISTAN RECONSTRUCTION

Assigned to: Judge Amy Berman Jackson

Case: 1:17-cv-02114-ABJ

Cause: 05:552 Freedom of Information Act

Plaintiff

WP COMPANY LLC

doing business as

WASHINGTON POST

Date Filed: 11/14/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
 Information Act

Jurisdiction: Federal Question

represented by **Charles D. Tobin**
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V.

Defendant

**SPECIAL INSPECTOR GENERAL
 FOR AFGHANISTAN
 RECONSTRUCTION**

represented by **Sophie Kaiser**
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TERMINATED: 08/15/2019

| Date Filed | # | Docket Text |
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| 11/14/2018 | <u>1</u> | COMPLAINT WP COMPANY LLC d/b/a THE WASHINGTON POST against All Defendants SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION (Filing fee \$ 400 receipt number 0090-5790610) filed by WASHINGTON POST COMPANY. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F, # <u>7</u> Exhibit Exhibit G, # <u>8</u> Exhibit Exhibit H, # <u>9</u> Exhibit Exhibit I, # <u>10</u> Exhibit Exhibit J, # <u>11</u> Exhibit Exhibit K, # <u>12</u> Civil Cover Sheet Civil Cover Sheet, # <u>13</u> Summons SIGAR Summons, # <u>14</u> Summons Whitaker Summons, # <u>15</u> Summons Liu Summons)(Tobin, Charles) (Entered: 11/14/2018) |
| 11/14/2018 | <u>2</u> | NOTICE OF RELATED CASE by All Plaintiffs. Case related to Case No. 1:17-cv-2114. (Tobin, Charles) (Entered: 11/14/2018) |
| 11/14/2018 | <u>3</u> | LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by WASHINGTON POST COMPANY (Tobin, Charles) (Entered: 11/14/2018) |
| 11/15/2018 | | Case Assigned to Judge Amy Berman Jackson. (zrdj) (Entered: 11/15/2018) |
| 11/15/2018 | <u>4</u> | SUMMONS (3) Issued Electronically as to SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zrdj) (Entered: 11/15/2018) |
| 11/21/2018 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/16/2018. Answer due for ALL FEDERAL DEFENDANTS by 12/16/2018. (Tobin, Charles) (Entered: 11/21/2018) |
| 11/21/2018 | <u>6</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/16/2018. (Tobin, Charles) (Entered: 11/21/2018) |
| 11/21/2018 | <u>7</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION served on 11/19/2018 (Tobin, Charles) (Entered: 11/21/2018) |
| 12/17/2018 | <u>8</u> | NOTICE of Appearance by Michael Fraser Knapp on behalf of SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION (Knapp, Michael) (Entered: 12/17/2018) |
| 12/17/2018 | <u>9</u> | ANSWER to Complaint by SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION. (Attachments: # <u>1</u> Exhibit 1 – SIGAR ltr to WP (May 31, 2017))(Knapp, Michael) (Entered: 12/17/2018) |
| 12/19/2018 | | MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendant shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff, on or before January 22, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 12/19/2018. (lcabj3) (Entered: 12/19/2018) |
| 01/17/2019 | <u>10</u> | Unopposed MOTION to Stay by SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION (Attachments: # <u>1</u> Text of Proposed Order)(Knapp, Michael) (Entered: 01/17/2019) |
| 01/18/2019 | | MINUTE ORDER granting <u>10</u> Motion to Stay. The government must file a notice within two days of the resumption of operations and it should include a proposed revised schedule if necessary. SO ORDERED. Signed by Judge Amy Berman Jackson on 01/18/2019. (lcabj3) (Entered: 01/18/2019) |
| 01/28/2019 | <u>11</u> | NOTICE of Restoration of Appropriations by SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION (Knapp, Michael) (Entered: 01/28/2019) |
| 01/29/2019 | | MINUTE ORDER. In light of the government's notice <u>11</u> , the stay in this case is lifted. The Court considered both the plaintiff's justifiable frustration with the pace of the government's compliance with its FOIA obligations and the representations of the defendant, however given the burdens placed upon all of the agencies and federal employees due to the shutdown, the Court finds that the defendant's request for a |

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| | | modest extension is not unreasonable. Accordingly, defendant must file a dispositive motion or a report with a production schedule by February 11, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 01/29/2019. (lcabj3) (Entered: 01/29/2019) |
| 02/11/2019 | <u>12</u> | STATUS REPORT <i>SETTING FORTH PRODUCTION SCHEDULE</i> by SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION. (Knapp, Michael) (Entered: 02/11/2019) |
| 02/12/2019 | | MINUTE ORDER. After considering the parties' positions <u>12</u> , the Court will establish the following schedule: defendant must make its next production by March 11, 2019, and it must produce the remainder of the records on a rolling basis with the goal of completing the production by May 15, 2019. Defendant must also file a status report by March 12, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 02/12/2019. (lcabj3) (Entered: 02/12/2019) |
| 03/12/2019 | <u>13</u> | STATUS REPORT by SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION. (Knapp, Michael) (Entered: 03/12/2019) |
| 03/14/2019 | | MINUTE ORDER. Defendant must file an updated status report by May 15, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 03/14/2019. (lcabj3) (Entered: 03/14/2019) |
| 05/15/2019 | <u>14</u> | STATUS REPORT by SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION. (Knapp, Michael) (Entered: 05/15/2019) |
| 05/16/2019 | | MINUTE ORDER. Defendant must file an updated status report by June 17, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 05/16/2019. (lcabj3) (Entered: 05/16/2019) |
| 06/17/2019 | <u>15</u> | STATUS REPORT by SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION. (Knapp, Michael) (Entered: 06/17/2019) |
| 06/17/2019 | <u>16</u> | RESPONSE re <u>15</u> Status Report filed by WP COMPANY LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Tobin, Charles) (Entered: 06/17/2019) |
| 06/17/2019 | <u>17</u> | PROPOSED BRIEFING SCHEDULE by WP COMPANY LLC. (See Docket Entry <u>16</u> to view document) (jf) (Entered: 06/18/2019) |
| 06/20/2019 | | MINUTE ORDER. The Court considered plaintiff's objections and desire for expedition, but it will enter the government's proposed schedule under the circumstances. However, given the expansive nature of the schedule, the defendant will need to point to some exigent circumstance other than the mere fact of the assignment of new counsel or the "press of other business" to justify any request for an additional extension. Defendant's motion for summary judgment will be due by August 16, 2019. Plaintiff's combined opposition and cross-motion for summary judgment will be due by September 6, 2019. Defendant's combined reply in support of its motion and opposition to plaintiff's cross-motion will be due on September 20, 2019. Plaintiff's reply in support of its cross-motion will be due on September 27, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 06/20/2019. (lcabj3) (Entered: 06/20/2019) |
| 08/15/2019 | <u>18</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Sophie Kaiser on behalf of SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION Substituting for attorney Michael Fraser Knapp (Kaiser, Sophie) (Entered: 08/15/2019) |
| 08/16/2019 | <u>19</u> | MOTION for Summary Judgment by SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Declaration Hubbard, # <u>5</u> Exhibit 3 – SIGAR Vaughn, # <u>6</u> Declaration Stein & State Vaughn, # <u>7</u> Declaration Hertel, # <u>8</u> Declaration Herrington, # <u>9</u> Declaration Boisselle, # <u>10</u> Statement of Facts, # <u>11</u> Text of Proposed Order)(Kaiser, Sophie) (Entered: 08/16/2019) |
| 08/30/2019 | <u>20</u> | NOTICE of Appearance by Matthew E. Kelley on behalf of WP COMPANY LLC (Kelley, Matthew) (Entered: 08/30/2019) |
| 09/06/2019 | <u>21</u> | Memorandum in opposition to re <u>19</u> MOTION for Summary Judgment filed by WP COMPANY LLC. (Attachments: # <u>1</u> Response to Defendant's Statement of Undisputed Material Facts, # <u>2</u> Declaration of Craig Whitlock, # <u>3</u> Declaration of |

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| | | Charles D. Tobin, # <u>4</u> Tobin Decl., Ex. 1, # <u>5</u> Tobin Decl., Ex. 2, # <u>6</u> Tobin Decl., Ex. 3, # <u>7</u> Tobin Decl., Ex. 4, # <u>8</u> Tobin Decl., Ex. 5, # <u>9</u> Tobin Decl., Ex. 6, # <u>10</u> Tobin Decl., Ex. 7, # <u>11</u> Tobin Decl., Ex. 8, # <u>12</u> Tobin Decl., Ex. 9, # <u>13</u> Tobin Decl., Ex. 10, # <u>14</u> Tobin Decl., Ex. 11, # <u>15</u> Tobin Decl., Ex. 12, # <u>16</u> Tobin Decl., Ex. 13, # <u>17</u> Tobin Decl., Ex. 14, # <u>18</u> Tobin Decl., Ex. 15, # <u>19</u> Tobin Decl., Ex. 16, # <u>20</u> Tobin Decl., Ex. 17, # <u>21</u> Tobin Decl., Ex. 18, # <u>22</u> Tobin Decl., Ex. 19, # <u>23</u> Tobin Decl., Ex. 20, # <u>24</u> Tobin Decl., Ex. 21, # <u>25</u> Text of Proposed Order)(Tobin, Charles) (Entered: 09/06/2019) |
| 09/06/2019 | <u>22</u> | Cross MOTION for Summary Judgment by WP COMPANY LLC (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Craig Whitlock, # <u>4</u> Declaration of Charles D. Tobin, # <u>5</u> Tobin Decl., Ex. 1, # <u>6</u> Tobin Decl., Ex. 2, # <u>7</u> Tobin Decl., Ex. 3, # <u>8</u> Tobin Decl., Ex. 4, # <u>9</u> Tobin Decl., Ex. 5, # <u>10</u> Tobin Decl., Ex. 6, # <u>11</u> Tobin Decl., Ex. 7, # <u>12</u> Tobin Decl., Ex. 8, # <u>13</u> Tobin Decl., Ex. 9, # <u>14</u> Tobin Decl., Ex. 10, # <u>15</u> Tobin Decl., Ex. 11, # <u>16</u> Tobin Decl., Ex. 12, # <u>17</u> Tobin Decl., Ex. 13, # <u>18</u> Tobin Decl., Ex. 14, # <u>19</u> Tobin Decl., Ex. 15, # <u>20</u> Tobin Decl., Ex. 16, # <u>21</u> Tobin Decl., Ex. 17, # <u>22</u> Tobin Decl., Ex. 18, # <u>23</u> Tobin Decl., Ex. 19, # <u>24</u> Tobin Decl., Ex. 20, # <u>25</u> Tobin Decl., Ex. 21, # <u>26</u> Text of Proposed Order)(Tobin, Charles) (Entered: 09/06/2019) |
| 09/20/2019 | <u>23</u> | Memorandum in opposition to re <u>22</u> Cross MOTION for Summary Judgment filed by SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION. (Attachments: # <u>1</u> Declaration Hubbard SIGAR Supplemental, # <u>2</u> Exhibit SIGAR Updated Vaughn, # <u>3</u> Declaration Stein State Supplemental, # <u>4</u> Statement of Facts Response to Plaintiff's SUMF, # <u>5</u> Text of Proposed Order)(Kaiser, Sophie) (Entered: 09/20/2019) |
| 09/20/2019 | <u>24</u> | REPLY to opposition to motion re <u>19</u> MOTION for Summary Judgment filed by SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION. (Attachments: # <u>1</u> Declaration Hubbard SIGAR Supplemental, # <u>2</u> Exhibit SIGAR Updated Vaughn, # <u>3</u> Declaration Stein State Supplemental)(Kaiser, Sophie) (Entered: 09/20/2019) |